



DAC #23

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)
SJ0919970115US1

First named inventor: **Francie Lee**

Group Art Unit: 2754

Application Number: 09/219,195

Examiner: **Angel A. Castro**

Filed: **December 21, 1998**

Title: **INTERCONNECT MODULE FOR USE IN A SUSPENSION ASSEMBLY**

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay

1. Petition fee

- ☐ small entity - fee \$ _____ (37 CFR 1.17(l)). Applicant claims small entity status.
See 37 CFR 1.27.
- ☒ other than small entity - fee \$ 110 (37 CFR 1.17(l)).

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in

the form of an RCE (identify the type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee of \$ _____

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 3]

Burden Hour Statement: This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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OFFICE OF PETITIONS

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)****3. Terminal disclaimer with disclaimer fee**

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity of \$_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

2/7/03

Date

Telephone
Number: (801) 994-4646

Brian C. Kunzler

Signature

Brian C. Kunzler

Typed or printed name

10 West 100 South, Suite 425

Address

Salt Lake City, Utah 84101

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unavoidable delay

☐ _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

2/7/03

Date

Brian C. Kunzler

Signature

Brian C. Kunzler

Typed or printed name of person signing certificate

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

2/7/03
Date


Signature

Brian C. Kunzler

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

Please see additional sheets.

(Please attach additional sheets if additional space is necessary)

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Box: NON FEE AMENDMENT, Assistant Commissioner for Patents, Washington, D.C. 20231, on February 7, 2003.


Attorney for Applicant

PATENT

Docket No. SJO919970115

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: F. Lee et al.)
Serial No.: 09/219,195)
Filed: December 21, 1998) Group Art
For: **INTERCONNECT MODULE FOR USE IN A**) Unit: 2754
SUSPENSION ASSEMBLY)
Examiner: Angel A. Castro)

PETITION FOR REVIVAL UNDER 37 CFR 1.137(a)

Attention: Office of Petitions
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Dear Examiner:

Please refer to the following description explaining in detail the reasons for the unavoidable delay in filing a proper reply to the Advisory Action dated August 8, 2002 and the Notice of Abandonment dated December 17, 2002.

REMARKS

The unavoidable delay in properly responding to the Advisory Action and Notice of Abandonment was a result of the manner in which official USPTO communications were transmitted to Applicants. As outlined in the table below, Applicants executed a Power of Attorney and Change of Address that were enclosed with Applicants' response to the non-final Office Action dated October 2, 2001 and mailed to the USPTO on February 2, 2002. Despite the Change of Address executed by the Applicants, the USPTO continued to direct official communications directly to the formerly responsible representative instead of to the undersigned patent attorney.

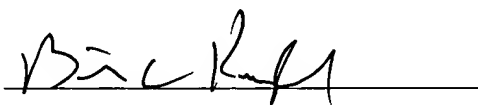
<u>OFFICIAL DATE</u>	<u>TYPE OF COMMUNICATION</u>
12/21/98	Application Filed
10/02/01	Non-final Office Action
02/04/02	Response to Non-final Office Action, including Power of Attorney and Change of Address
05/22/02	Final Office Action
07/22/02	Response to Final Office Action
08/28/02	Advisory Action, sent to Client; copy received by Attorney from Client after Status Request and Notice of Abandonment
12/06/02	Status Request
12/17/02	Notice of Abandonment, sent to Client; copy received by Attorney from Client
01/03/03	Approximate date of receipt by Attorney from Client of Advisory Action and Notice of Abandonment.

The Advisory Action and Notice of Abandonment were sent directly to the formerly responsible representative. The undersigned patent attorney did not receive a copy of either the Advisory Action or the Notice of Abandonment until he initiated a Status Request to inquire about the prosecution status of the present application. By the time the undersigned became aware of the Advisory Action and Notice of Abandonment, both documents had been generated and sent by the USPTO to the formerly responsible representative.

Given the circumstances surrounding the prosecution of the present application, Applicants respectfully assert that the delay in responding to the Advisory Action was unavoidable. Applicants request prompt revival of the present application and submit the reply required by 37 CFR 1.137(a)(1) with this petition.

Should additional information be required regarding these remarks or if any impediments to the prompt acceptance of the petition for revival can be resolved by a telephone conversation, the Examiner is respectfully requested to contact the undersigned.

Respectfully submitted,



Brian C. Kunzler
Reg. No. 38,527
Attorney for Applicant

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Date: February 7, 2003
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